IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3936 of 1993

Between:

B.V. Subba Reddy S/o late Srinivasulu Reddy
R/o Chintavaram, Chillakuru (M),
Nellore Dist.

..... PETITIONER

AND

1 Union of India rep. by Secretary
Ministry of Mines, New Delhi
2 The State of A.P. rep. by Secretary
Industries & Commerce Dept., Secretariat Buildings,
Hyderabad
3 The Director of Mines & Geology A.P., Hyderabad
4 Assistant Director of Mines & Geology Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ, Order or direction declaring the cess and other Taxes on Minerals (Validation) Act 16/92 Dt: 4-4-1992 is unconstitutional or in the alternative that the Act does not authorize recovery of cess on Royalty or MRT from the petitioner from 2-7-90 to 9-3-92 and consequently restrain the 4th respondent from recovering cess on Royalty and MRT from 2-7-90 to 9-3-92 from the petitioner herein on the Mining, Lease with respect of Ac.50-00 in S.No.515 of Ballavolu (V), Gudur Tq., Nellore Dist.

Counsel for the Petitioner:MR.M.V.S.SURESH KUMAR
Counsel for the Respondents: Government Pleader for Mines & Industries.

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

It is represented by learned counsel for the parties that the matter arising in this writ petition is covered by a judgment of the Supreme Court reported in ***District Mining Officer and others vs.Tata Iron and Steel Company and another.***

Following the judgment of the Supreme Court, this Writ Petition is allowed. No order as to costs.

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(BILAL NAZKI, J)

19th August, 2004.

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(S.ANANDA REDDY, J)

vrn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Nineteenth Day of August, Two thousand and Four.

To

1 The Secretary, Union of India, Ministry of Mines, New Delhi
2 The Secretary, State of A.P., Industries & Commerce Dept.,

Secretariat Buildings, Hyderabad
3 The Director of Mines & Geology A.P., Hyderabad
4 The Assistant Director of Mines & Geology Nellore

5 Two C.Cs to the learned Government Pleader for Mines and

Industries, High Court Buildings, A.P., Hyderabad (OUT)

6 Two C.D copies